

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|----------------------------|---|-----------|
| 24 HOUR FITNESS USA, INC., |) | |
| |) | |
| Plaintiff, |) | 8:11CV417 |
| |) | |
| vs. |) | ORDER |
| |) | |
| JOANN BENAK, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the separate status reports filed by the parties. On July 13, 2012, the court stayed proceedings and required the parties to file a joint status report within ninety days, such report to include whether the stay should continue. The plaintiff states it “has no objection to the Court dismissing this matter under Fed. R. Civ. P. 41(a)(2).” **See** [Filing No. 18](#). The defendant did not respond to the plaintiff’s statement but states she “intends to move for recovery of reasonable attorney’s fees as sanctions.” **See** [Filing No. 19](#). Accordingly, it appears this case may be dismissed, despite the defendant’s intentions.

IT IS ORDERED:

The parties shall have to **on or before December 12, 2012**, to show cause why this case should not be dismissed, without prejudice.

Dated this 16th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge